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PARK CITY MUNICIPAL CORPORATION MUNICIPAL CODE

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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.13 RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Chapter adopted by Ordinance 00-51

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15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

- (A) allow a variety of residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit (Nightly Rental of Lockout Units requires a Conditional Use Permit)
- (5) Accessory Apartment (See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments)
- (6) Nightly Rental (Nightly Rentals do not include the Use of Dwellings for Commercial Uses)
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting (See LMC Chapter 15-4-9, Child Care Regulations)
- (9) Child Care, Family (See LMC Chapter 15-4-9, Child Care Regulations)
- (10) Child Care, Family Group (See LMC Chapter 15-4-9, Child Care and Child Care Facilities)

(11) Accessory Building and Use

(12) Conservation Activity

(13) Agriculture

(14) Parking Area or Structure with four (4) or fewer spaces

(15) Recreation Facility, Private

(16) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays (Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License)

(B) CONDITIONAL USES.

(1) Triplex Dwelling (Subject to provisions of LMC Chapter 15-6, Master Planned Development)

(2) Multi-Unit Dwelling (Subject to provisions of LMC Chapter 15-6, Master Planned Development)

(3) Guest House

(4) Group Care Facility

(5) Child Care Center (See LMC Chapter 15-4-9, Child Care Regulations)

(6) Public and Quasi-Public Institution, Church, and School

(7) Essential Municipal Public Utility Use, Facility, Service, and Structure

(8) Telecommunication Antenna (See LMC Chapter 15-4-14)

(9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter (See LMC Chapter 15-4-13)

(10) Raising, grazing of horses

(11) Cemetery

(12) Bed and Breakfast Inn

(13) Hotel, Minor (Subject to provisions of LMC Chapter 15-6, Master Planned Development)

(14) Hotel, Major (Subject to provisions of LMC Chapter 15-6, Master Planned Development)

(15) Private Residence Club Project and Conversion (Requires an administrative Conditional Use permit)

(16) Office, General (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

(17) Office, Moderate Intensive (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

(18) Office, Medical (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

(19) Financial Institution without drive-up window (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

(20) Commercial Retail and Service, Minor (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

(21) Commercial Retail and Service, personal improvement (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

(22) Commercial, Resort Support (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

(23) Café or Deli (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

(24) Restaurant, Standard (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)

- (25) Restaurant, Outdoor Dining (Requires an Administrative Conditional Use permit.)
- (26) Outdoor Event (Requires an administrative Conditional Use permit.)
- (27) Bar (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)
- (28) Hospital, Limited Care Facility (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)
- (29) Parking Area or Structure with five (5) or more spaces
- (30) Temporary Improvement (Requires an administrative Conditional Use permit.)
- (31) Passenger Tramway Station and Ski Base Facility (As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18)
- (32) Ski Tow, Ski Lift, Ski Run, and Ski Bridge (As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18)
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial (Subject to provisions of LMC Chapter 15-6, Master Planned Development)
- (35) Entertainment Facility, Indoor (Subject to provisions of LMC Chapter 15-6, Master Planned Development; Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.)
- (36) Commercial Stables, Riding Academy (Subject to provisions of LMC Chapter 15-6, Master Planned Development)
- (37) Master Planned Development with moderate income housing Density bonus (Subject to provisions of LMC Chapter 15-6, Master Planned Development)
- (38) Master Planned Development with residential and transient lodging Uses only (Subject to provisions of LMC Chapter 15-6, Master Planned Development)
- (39) Master Planned Development with Support Retail and Minor Service Commercial Uses (Subject to provisions of LMC Chapter 15-6, Master Planned Development)
- (40) Heliport (Subject to provisions of LMC Chapter 15-6, Master Planned Development)
- (41) Vehicle Control Gates (See Section 15-4-19 for specific review criteria for gates)
- (42) Fences greater than six feet (6') in height from Final Grade (Requires an administrative Conditional Use permit)
- (43) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays (Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License)

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 02-38; 04-08; 04-39; 06-76)

15-2.13-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **DENSITY.** The maximum Density is three (3) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum Density of five (5) units per acre with a Master Planned Development. Development must be clustered to preserve common Open Space, and shall protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.

(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line.

(C) FRONT YARD EXCEPTIONS.

(1) Within any subdivision, the Planning Commission may designate specific Single-Family and Duplex Dwelling Lots on which the Front Yard Setback is ten feet (10') for the Main Building and fifteen feet (15') for the new Front Facing Garage or garage element, including any Habitable Space above the garage. This exception may be granted to:

- (a) solve Access problems to Lots with relatively steep Grades,
- (b) preserve Significant Vegetation,
- (c) eliminate or minimize cut and fill Areas,

(d) promote Clustered Development, and

(e) preserve Open Space.

Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.

(2) **EXCEPTIONS FOR STRUCTURES.** The Front Yard must be open and free of any Structure except:

(a) Fences, walls, and retaining wall not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(b) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(c) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(d) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(e) Sidewalks, patios, and pathways.

(f) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

(g) Circular driveways, meeting all requirements stated in LMC Chapter 15-3-4.

(D) **REAR YARD.** The minimum Rear Yard is fifteen feet (15') for Main Buildings and ten feet (10') for Accessory Buildings and detached garages.

(E) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover over fifty percent (50%) of the Rear Yard.

(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining wall not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review. (Fences greater than six feet (6') in height require an administration Conditional Use permit (CUP))

(10) Patios, decks, steps, and similar Structures, not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD.**

(1) The minimum Side Yard is twelve feet (12').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(G) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental feature projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not over thirty inches (30") in height above Final Grade,

provided there is at least one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review. (Fences greater than six feet (6') in height require an administrative Conditional Use permit (CUP))

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped Setback to the Side Lot Line.

(9) Detached Accessory Buildings not greater than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintain a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Property Line.

(G) **OTHER EXCEPTIONS.** The Planning Commission may vary Side Yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in LMC Section 15-2.13-3 F)(2).

15-2.13-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) A gable, hip, and similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift and tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(B) **OTHER HEIGHT EXCEPTIONS.** The Planning Commission may designate and condition a recorded Subdivision Plat to restrict Building Height to less than twelve feet (12') above Natural Grade for uphill Lots between the ten foot (10') Setback allowed for garages, LMC Section 15-2.13-3(C) (1) Front Yard Exceptions, and the normal twenty-five foot (25') Setback.

(Amended by Ord. Nos. 02-38; 06-76)

15-2.13-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.13-6. MAXIMUM HOUSE SIZE AND SETBACKS ON COMBINED LOTS.

As part of a Master Planned Development, or a Subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. An Owner may combine Lots with designated maximum house sizes and achieve approximately 150% of the maximum house size attributed to a particular Lot. The Owner must request an increase in maximum house size prior to or concurrent with, the Lot combination plat. The request must be made on forms provided by the Planning Department for review by the Planning Director for compliance with the following:

(A) **HOUSE SIZE.** The maximum house size may not exceed 150 percent (150%) of the house size allowed on each single Lot when those maximums are combined and averaged. The following formula must be used to calculate the maximum house size (MHS):

$$MHS = ((hsLot1 + hsLot2...hsLotn) \div n) \times 1.50$$

*where n is the number of Lots being combined, and hsLot1, hsLot2, hsLotn are the allowed house sizes in square feet, for the individual Lots in the Lot combination.

For example: if two (2) Lots, one with a 4000 square foot maximum house and one with a 3000 square foot maximum, are combined the maximum house size would be 5250 square feet. The average of the two Lots is 3500 square feet. $3500 \times 150\% = 5250$ square feet, i.e.

$$(4000 + 3000) \div 2 \times 1.5 = 5250 \text{ sq. ft.}$$

In Subdivisions where maximum house size is not specified, the house size on combined Lots must be determined by the Planning Director based upon neighborhood Compatibility, Lot size, visibility from Public Streets, and visual analysis.

(B) **SETBACKS.** The allowed minimum Setbacks (MSB) for the proposed house size (PHS) on combined Lots must increase in proportion to the percentage of increase in the house size (%IHS) over the average maximum house size (AMHS) for the Lots being combined, according to the following formulas:

$$\%IHS = (PHS - AMHS) \div AMHS \times 100$$

$$MSB = \text{Zone Setback} + (\text{Zone Setback} \times \%IHS)$$

For example: Using the previous example, where two Lots, one with a 4,000 sq. ft. maximum house size and one with a 3,000 sq. ft. maximum, are combined yielding a proposed house size (PHS) of 5,250 sq. ft., the percent increase in house size (%IHS) is fifty percent (50%).

$$\%IHS = (5,250 - 3,500) \div 3,500 \times 100 = 50\%$$

If the increased house size (%IHS) is fifty percent (50%) greater than the average maximum house size (AMHS) on any of the Lots being combined, the allowed minimum Setbacks (AMSB) must be fifty percent (50%) greater than the standard Setbacks of the zone.

For example: If the zone Setback for Side Yards is twelve feet (12') and the percent increase in house size is fifty percent (50%) then the minimum Setback for the combined Lot is eighteen feet (18'), as follows:

$$MSB = 12' + (12' \times 50\%) = 18'$$

Therefore:

$$\text{Minimum Setback (Side)} = 12' + (12' \times 50\%) = 18' \text{ if zone Setback is } 12'.$$

Lots with unusual configurations, topography, Access, or Significant Vegetation may have the Setbacks shifted upon approval of the Planning Director but in no case may they be less than the required Setbacks.

(C) **EASEMENT VACATIONS.** If an easement must be vacated to allow construction on a combined Lot, the Applicant must show evidence that the easement can be vacated or relocated without affecting service to the adjacent Lots. The easement relocation agreement must be recorded and/or shown on the plat amendment for the Lot combination.

(D) **PLAT AMENDMENT.** The Lots must be legally combined through plat amendment or administrative approval as provided in LMC Chapter 15-7, Subdivisions.

(Amended by Ord. No. 06-76)

15-2.13-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(J) The Use complies with LMC Chapter 15-1-10, Conditional Use Review.

15-2.13-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The Use must also comply with LMC Chapter 15-1-10, Conditional Use Review. An Applicant must submit a Site plan and written description of the event, addressing the following:

- (A) Notification of adjacent Property Owners.
- (B) No violation of the City Noise Ordinance, Municipal Code Title 6.
- (C) Impacts on adjacent residential Uses.
- (D) Proposed plans for music, lighting, Structures, electrical, signs, etc.
- (E) Parking demand and impacts on neighboring Properties.
- (F) Duration and hours of operation.
- (G) Impacts on emergency Access and circulation.

(Amended by Ord. No. 04-08, Criteria for Vehicle Control Access Gates Deleted)

15-2.13-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and
 - (5) feed/hay

15-2.13-10. VEGATATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

(Amended by Ord. No. 06-76)

15-2.13-11. SIGNS.

Signs are allowed in the RD District as provided in the Park City Sign Code, Municipal Code Title 12.

15-2.13-12. RELATED PROVISIONS.

Fences and Walls. LMC Chapter 15-4-2.

Accessory Apartment. LMC Chapter 15-4-7.

Satellite Receiving Antenna. LMC Chapter 15-4-13.

Telecommunication Facility. LMC Chapter 15-4-14.

Parking. LMC Chapter 15-3.

Landscaping. Title 14; LMC Chapter 15-3-3(D).

Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).

Historic Preservation Board. LMC Chapter 15-11.

Park City Sign Code. Title 12.

Architectural Review. LMC Chapter 15-5.

Snow Storage. LMC Chapter 15-3-3(E).

Parking Ratio Requirements. LMC Chapter 15-3-6.

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